

REMARKS

I. Status of Application

Claims 13-28 are all the claims pending in the present Application. Claims 13-28 have been examined.

II. Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 13-28 under 35 U.S.C. § 103(a) as being unpatentable over Johnson (US 3,213,878) in view of Zoll (US 3,800,825). Applicants respectfully disagree.

With respect to claim 13, neither reference teaches or suggest, a fluid dispensing circuit wherein **“a second valve”** is inserted in said inlet duct and **a third valve** is inserted in said outlet duct; a delivery duct connected to said output duct and a nozzle; **and a first one-way valve** located along the delivery duct and **outside said pump.**” In other words, in one exemplary embodiment of the present invention, the fluid must pass through two valves before exiting from the nozzle -- the third valve and the first one-way valve. As recited in the specification, in at least one exemplary embodiment, the first one-way valve is located outside of the pump and acts as the main control valve. Conversely, the function of the third valve “is mainly that of a stopcock during maintenance of the delivery valve 14, during which it **prevents the discharge of the fluid that is contained in the bellows chamber 66 and is not subject to pressure.** This avoids the need to dismantle the head 64 each time the delivery valve 14, which is positioned outside the pump 12 in a readily accessible position, is to be cleaned.” (See Page 3, ¶ [0035]). For this reason, the first one-way valve is included in the claimed fluid dispensing circuit.

Turning to the cited art of record, Johnson is directed to a “pump for pumping automotive fuel from the fuel tank of an automotive vehicle to the carburetor of the internal combustion engine.” FIG. 1 of the Johnson ‘878 patent is reproduced below.

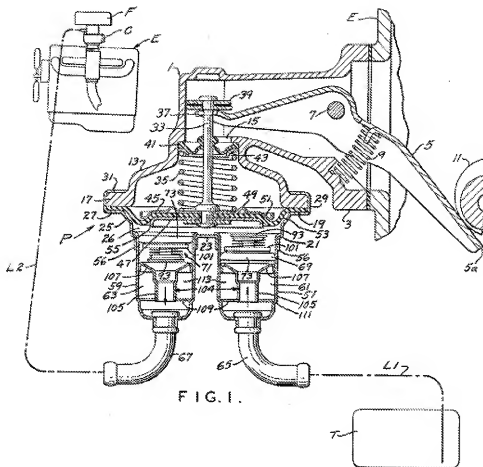


FIG. 1.

With respect to FIG. 1, the device in Johnson operates as follows:

In the operation of the pump P on demand for fuel from the carburetor, diaphragm 19 is flexed up and down by the action of cam 11 and spring 35. On an upward (suction) stroke of the diaphragm, the intake check valve 69 opens and the discharge check valve 71 closes, and fuel is drawn into the pumping chamber 26 below the diaphragm. On a downward (discharge) stroke of the diaphragm, the intake check valve 69 closes and the discharge check valve 71 opens, and fuel is forced out through line L2 to the carburetor.

Johnson at Col. 4, ll. 62-71 (emphasis added).

The Examiner has recognized that Johnson fails to teach, or even suggest, “a first one-way valve located along the delivery duct and outside said pump.” Nevertheless, the Examiner relies on Zoll in attempting to cure the deficient disclosure of Johnson. Specifically, the

Examiner alleges that one of ordinary skill in the art would add the valve device of Zoll into Line 2 (L2) of Johnson “in order to provide a conventional and cost effective way to allow fluid to be dispensed through the valve.” This reasoning is improper.

Specifically, the device illustrated in Johnson does not include a valve in Line 2. The Examiner’s proposed combination would require for an additional valve to be placed after the discharge check valve 71 in Line 2. The Office Action **does not explain, or provide any reason for why one of ordinary skill in the art would add an additional valve to Line 2 of Johnson in the first place.** Nor has the Examiner provided any potential benefit for adding an additional valve (at an additional cost) to the device in Johnson. As recently spelled out in the Supreme Court decision of *KSR International Co. v. Teleflex Inc.*, “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, **there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.**” 82 USPQ2d 1385, 1396 (2007) (emphasis added).

Furthermore, Johnson teaches away from the combination proposed by the Examiner. That is, Johnson already includes check valve 71 to prevent fuel from flowing through Line 2 until required. In addition, Johnson is concerned with the pressure in the fuel tank and lines (as described above, Johnson states that fuel is “forced” out through Line 2). Accordingly, Johnson provides a pressure relief port 91 in check valve 71, allowing pressure in the pumping chamber 26 to be released into Line 2. If an additional valve was added to Line 2, this valve would effectively eliminate the pressure relieving mechanism of Johnson. It is well known that “[i]t is improper to combine references where the references teach away from their combination.” *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

For at least these reasons claim 13 overcomes the cited art of record. With respect to claims 14-28, these claims depend from claim 13. As such, these claims are allowable at least by virtue of their dependency from claim 13. They are also allowable because of the additional limitations recited therein.

For example, with respect to claim 14, neither reference teaches or suggests, “said third valve is formed so as to withstand pressures lower than those which cause said first one-way valve to open.” In other words, claim 14 is directed to the relationship between the first and third valve.

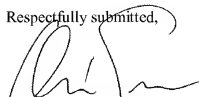
In fact, the Examiner’s proposed combination could not teach this particular limitation. That is, the Examiner relies on Johnson as allegedly disclosing the “third valve” and admits that Johnson does not teach the claimed “first one-way valve.” The Examiner relies on Zoll as allegedly teaching the “first one-way valve.” Accordingly, neither reference can claim *a relationship* between the two valves, as these valves are not found within a single reference. The Examiner has not explained why one of ordinary skill in the art, without using the present reference as a blueprint, would set up the valves of Johnson and Zoll according to the claimed relationship. For at least this reason the prior art of record does not teach, or even suggest, the limitations recited in claim 14.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Amendment is being filed via the USPTO Electronic Filing System (EFS). Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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